

ENTERED

May 05, 2020

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA, §
§
§
VS. § CRIMINAL ACTION NO. H-12-0600-4
§
§
§
ROBERT FERGUSON §

ORDER DENYING MOTION FOR COMPASSIONATE RELEASE

Robert Ferguson pleaded guilty to conspiracy to pay and receive healthcare kickbacks as part of a Medicare fraud scheme, in violation of 18 U.S.C. § 371. He was sentenced to a prison term of 39 months, of which he has now served approximately one-third. He seeks compassionate release now based on the risk his health conditions present for COVID-19 infection. The court appointed counsel to represent him in pursuing this relief. The government opposes the motion.

It is unclear that Ferguson has exhausted his remedies within the Bureau of Prisons, as the First Step Act requires. 18 U.S.C. § 3582(c)(1)(A). Even assuming that he has, the record presents an insufficient basis for the relief he seeks. First, the medical information he has presented, and the records and declarations the government has presented, show that his medical conditions are controlled with medication and do not present a degree of additional risk of vulnerability that would justify compassionate release based on fear of COVID-19. Second, the records show that the Satellite Prison Camp at FCC Beaumont, unit GB, where Ferguson is housed, has had no positive cases of COVID-19, and the FCC Beaumont has taken steps to minimize the risk of such cases.

The motion for compassionate release, (Docket Entry No. 853), is denied.

SIGNED on May 5, 2020, at Houston, Texas.



Lee H. Rosenthal
Chief United States District Judge